

## **REMARKS**

### **Amendments**

Applicant has amended claims 27, 38, 49, 60, 65, 70, 76, and 82. Applicant has canceled claims 28, 39, 50, 61, 66, 73, 79, and 85 without prejudice.

### **Information Disclosure Statement**

Applicant has submitted an information disclosure statement herewith. Applicant respectfully submits that the submitted information disclosure statement complies with the 37 CFR 1.97, 1.98 and MPEP § 609. Applicant respectfully requests the Examiner to consider the information referred to in the newly submitted information disclosure statement.

### **Rejections**

#### ***Non-Statutory Double Patenting***

#### **Claims 27, 29-38, 40-49, 51-60, 62-65, 67-72, 74-78, 80-84, and 86-87**

Claims 27, 29-38, 40-49, 51-60, 62-65, 67-72, 74-78, 80-84, and 86-87 stand rejected as not being patentably distinct over the claims 1-34 of U.S. Patent 6,701,428. Applicant, without admitting that these rejections are proper, is submitting suitable terminal disclaimer for claims 27, 29-38, 40-49, 51-60, 62-65, 67-72, 74-78, 80-84, and 86-87 herewith and therefore respectfully requests that the non-statutory double patenting rejection of the claims be withdrawn.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 28, 39, 50, 61, 66, 73, 79, and 85 contain allowable subject matter if rewritten to include all the limitations of the claims from which they each originally depended. Claims 27, 38, 49, 60, 65, 70, 76, and 82 have been so amended. In view of these amendments, Applicant respectfully submits that claims 27, 29-38, 40-49, 51-60, 62-65, 67-72, 74-78, 80-84, and 86-87 are now in condition for allowance, and request allowance of said claims.

### **SUMMARY**

Claims 27, 29-38, 40-49, 51-60, 62-65, 67-72, 74-78, 80-84, and 86-87 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.

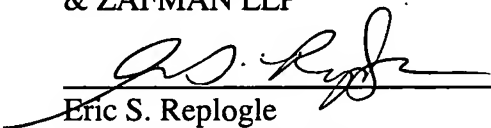
### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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& ZAFMAN LLP

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